

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and that the Senate now proceed to the consideration of Calendar No. 732, which is S. 3001, the Defense Department authorization bill, and that once the bill is reported, it be considered under the following limitations: that the only first-degree amendments in order be those that are germane to S. 3001 or to H.R. 5658, and that the first-degree amendments be subject to second-degree amendments which are germane to the amendment to which it is offered; that there be up to 10 additional amendments which are relevant to S. 3001 or to H.R. 5658 and have been agreed upon by the leaders—the leaders being Senators MCCONNELL and REID—with up to 5 amendments per side; that those 10 relevant amendments also be subject to second-degree amendments which would be relevant to the first-degree amendment to which offered; that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A: S. 3002; Division B: S. 3003; Division C: S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that these items appear separately in the RECORD; provided further that the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion; that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on

the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object, and if I could just take a moment to explain why. As we have been discussing, we would like to proceed to the bill under a regular order. In discussing the proposed amendments we have ready to offer, I think it is clear they are relevant, if not germane. In fact, the first few we have suggested I know are germane.

I think we would be better served to just begin the process of bringing up amendments and having debate and votes on those amendments than trying to get the approvals that would be necessary to agree to this rather cosmic unanimous consent request. That is why we object to it at this time, but I assure the majority leader that based upon the amendments we have already indicated we wish to bring forth, I would hope there would be a clear understanding of good faith on both sides that that is the way we intend to proceed. I do appreciate that the majority leader then would presumably set up a parliamentary procedure by which the majority would have to approve the offering of any Republican amendment thereafter, so the majority certainly would be protected in doing that. It would still be our intention to bring forth the right kind of amendments to deal with this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, maybe we can do indirectly what we can't do directly. That is, we are going to go through the procedure here to—and when I finish the procedural issues I am going to bring before the Senate, then the two managers, Senator LEVIN and Senator WARNER, will be, in effect, the gatekeepers. They won't be under the control of Senator MCCONNELL or Senator REID. These two very professional, experienced legislators will move through these amendments as quickly as they can. We all relish the time we used to move to this bill and other bills to have an old-fashioned legislative battle. I don't think—with all that is going on around the country today, including the Presidential election being in effect and all the other things going on politically—we can do that.

I hope, as I said, we can do indirectly what we can't do directly. It would be good for the country if we could finish this bill this week. It is so important. It has extremely important elements in it, including a pay raise for our troops, a good pay raise for our troops. This bill has things that are done to improve our military that only these two managers of this bill could lead based

on their experience. I believe I am right when I say I think this has been—this is the 30th bill Senators LEVIN and WARNER have worked on together, the 30th bill. It would be a shame, as Senator WARNER leaves this great career in the Senate, that in his final year we don't do something that is as much of his legislative history as anything he has done in his career, and that is the Defense authorization bill. So I hope for his sake, the Senate's sake, and the country's sake, we can complete this legislation sometime this week.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. President, I ask unanimous consent that all postcloture time be considered expired and the Senate now proceed to the consideration of S. 3001.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5290

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The provision of this bill shall become effective in 5 days upon enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5291 TO AMENDMENT NO. 5290

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5291 to amendment No. 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike "5" and insert "4".

MOTION TO RECOMMIT

Mr. REID. Mr. President, I now move to recommit the bill to the Armed